

REMARKS

This Amendment is submitted in response to the final Office Action dated May 19, 2005, having a shortened statutory period set to expire August 19, 2005.

Applicants appreciate the telephone conference held with the Examiner on July 5, 2005. During this teleconference, it was agreed that *Minami et al.* (U.S. Patent No. 6,407,751 – “*Minami*”) and the present application have IBM as a common assignee.

REJECTION OF CLAIM 16 UNDER 35 U.S.C. § 103

In paragraph 7 of the present Office Action, Claim 16 is rejected under 35 U.S.C. §103(a) as being unpatentable over Heddaya et al. (U.S. Patent No. 6,622,157) in view of Sidey (U.S. Patent No. 5,954,797) Freeman (U.S. Patent No. 6,330,588) and Minami et al. (U.S. Patent No. 6,407,751 – “*Minami*”).

Minami is cited for the teaching of “a replication component for producing a copy of the mobile software agent for distribution to other destination systems; a merger component for merging several mobile software agents having like tasks into a single merged mobile software agent; and a self-termination component for terminating the mobile software agent after a preset life span or a defined event.”

As evidenced in the file and the face of the cited art, *Minami* and the present application have International Business Machines, Inc. (IBM) as a common assignee. The present application was filed on October 18, 2000, and *Minami* was issued on June 18, 2002. Thus, under MPEP 706.02(k) and 35 U.S.C. § 103(c), *Minami* is not available as prior art for an obviousness rejection, and Applicants respectfully request that Claim 16 be allowed.

CONCLUSION

Applicants now respectfully request a Notice of Allowance for the pending claims, including Claim 16. Further, Applicants' undersigned legal representative would welcome a call from the Examiner if the Examiner believes that such would promote allowance of all pending claims.

No extension of time for this response is believed to be necessary. However, in the event an extension of time is required, that extension of time is hereby requested. Please charge any fee associated with an extension of time as well as any other fee necessary to further the prosecution of this application to **IBM CORPORATION DEPOSIT ACCOUNT No. 50-3533.**

Respectfully submitted,



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